

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 DONALD E. MITCHELL JR.,) Case No. 2:16-cv-00037-RFB-NJK
11 Plaintiff(s),) ORDER DENYING MOTION TO
12 vs.) STRIKE
13 NEVADA DEPARTMENT OF) (Docket No. 38)
14 CORRECTIONS, et al.,)
15 Defendant(s).)

Pending before the Court is Defendants' motion to strike, Docket No. 38, which is hereby **DENIED**. A motion to strike material from a pleading is made pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, which allows courts to strike "any redundant, immaterial, impertinent or scandalous matter." The essential function of a Rule 12(f) motion is to "avoid the expenditure of time and money that may arise from litigating spurious issues by dispensing with those issues prior to trial." *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993), *rev'd on other grounds*, 510 U.S. 517 (1994). Motions to strike are disfavored. *Roadhouse v. Las Vegas Metropolitan Police Dept.*, 290 F.R.D. 535, 543 (D. Nev. 2013). "Given their disfavored status, courts often require a showing of prejudice by the moving party before granting the requested relief." *Id.* "Whether to grant a motion to strike lies within the sound discretion of the district court." *Id.*

In this case, Defendants assert that Plaintiff (who is a prisoner proceeding *pro se*) filed an improper response to their answer. Docket No. 38 at 2; *see also* Docket No. 37 (“Response” to answer). Defendants assert that Plaintiff’s filing is not in compliance with Rule 7 of the Federal Rules of Civil Procedure. *Id.*

1 Regardless of whether Defendants are correct on that point, however, they failed to show any prejudice in
2 not striking that document. Especially with respect to filings of *pro se* litigants who may be unfamiliar with
3 the technical aspects of the applicable rules, the Court does not find it be a useful expenditure of resources
4 to entertain motions to strike without any showing of prejudice. *Cf. Russell Road Food & Bev., LLC v.*
5 *Galam*, 2013 WL 6684631, at *2 (D. Nev. Dec. 17, 2013) (“Modern litigation is too protracted and
6 expensive for the litigants and the court to expend time and effort pruning or polishing the pleadings”
7 (quoting 5C Wright & Miller, FEDERAL PRACTICE AND PROCEDURE, § 1382, at 457-58 (2004))).

8 Accordingly, the pending motion to strike is **DENIED** without prejudice.

9 IT IS SO ORDERED.

10 DATED: April 18, 2017

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12 NANCY J. KOPPE
United States Magistrate Judge